

### **Remarks**

Claims 1 – 30 are presently pending. Claims 1 – 30 presently stand rejected. By this Amendment, claims 1, 10, 15, 18, 23, and 28 have been amended. Examination in view of the following remarks is respectfully requested.

### **35 U.S.C. §112 - Rejection**

Claims 15 and 28 presently stand rejected under 35 U.S.C. §112, second paragraph, as “being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” See page 2 of Action.

Claims 15 and 28 have been amended to recite “only if a special feature indicium is revealed...”

It is respectfully submitted that claims 15 and 28, as now amended, satisfy the requirements of 35 U.S.C. §112, second paragraph.

Withdrawal of the rejection is respectfully requested.

### **35 U.S.C. §103 - Rejection**

Claims 1 – 5, 9 – 11 and 18 – 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,224,055 (Walker).

Independent claims 1 and 18 have been amended.

Claims 1 and 18, as now amended, are directed to an instant lottery game system that includes a defining element that carries a symbol display zone and a symbol interpretation zone. The symbol display zone contains a plurality of symbols displaying a plurality of symbol positions of a spinning reel game. Prior to game play, a masking medium covers the symbol display zone. During game play, the masking medium is removed to reveal symbols at the plurality of symbol positions. However, **the revealed symbols do not define any outcome of**

**the spinning reel game until afterwards when indicia and operators hidden under the symbol interpretation zone have been revealed.** The indicia and operators of the symbol interpretation zone are used to interpret or define the plurality of revealed symbols. After the revealed symbols have been thus defined, the game outcome and the prize for the spinning reel game can then be determined.

Specifically, the symbol display zone displays a plurality of symbols at a plurality of symbol positions. However, the displayed symbols do not define any outcome of the game yet, because rules of interpreting the symbols have not been revealed. As discussed in the Specification with respect to paragraphs [0054] and [0055], if an octopus symbol 34 is the scatter symbol, the player could win a prize of \$1,000, but if a fish symbol 36 is the scatter symbol, the player could win a prize of \$20 for three fish symbols 36. For another example, with respect to paragraph [0054], a player could win with a three-King combination **only if** a left-to-right pay line is used. At the time that the symbols are revealed, however, none of the rules for interpreting the revealed symbols has been provided.

The rules for defining or interpreting the revealed symbols, in the form indicia and operators, are then uncovered in the symbol interpretation zone. For example, with respect to Figure 3 of the Specification, based on the uncovered form indicia and operators, the revealed symbols are to be read “each way” indicating reading from left to right, and from right to left. The indicia and operators also reveal that the sunset symbol is considered as a wild symbol, the seahorse symbol is considered as a scatter symbol, and “any” scatter pay is eligible meaning that scatter symbols do not have to be on consecutive reels. The revealed symbols can then be defined or interpreted based on the indicia and operators revealed. In the example, the game reads a three-king combination and an appearance of three octopus symbols.

After interpreting the revealed symbols with the revealed rules to determine if certain combination of symbols, or appearance of a symbol, an outcome of the game can be determined based on a paytable that is not part of the symbol display zone and the symbol interpretation zone. In the same example, with respect to Figure 3 of the Specification, a prize of \$5 is awarded for the three-king combination reading left to right, and an additional prize of \$50 is also awarded for the three octopus symbols.

Walker does not make claims 1 and 18 obvious.

Page 4 of the Action states that “Walker’s symbol display zone 130 does not contain a plurality of symbols representative of a *spinning* reel game outcome... [and] Walker does not teach that symbol interpretation zone 140 is used in interpreting symbols of a *spinning* reel game outcome...”

However, to support the rejection, page 5 of the Action states

It would have been obvious to a person of ordinary skill in the art at the time of Applicant’s invention to modify Walker’s poker theme on the game ticket 100 with a slots or spinning reel game, representing a spinning reel game outcome instead of a video poker reel game outcome, as taught by Walker to be known in the art, for the purpose of tailoring a ticket game to a particular theme. (Walker, Col. 1. Lines 45-50.). Persons of ordinary skill in the art would realize that when the theme is video poker, game symbols would be playing cards traditionally used in playing poker. Likewise, persons of ordinary skill in the art would realize that when the theme is slots, game symbols would be representative of a slots game. For example, when implementing a slots theme, as proposed above, Walker’s symbol display zone 130 would show slot symbols including cherries, lemons, oranges and bars. (Walker Col. 1. Lines 45-50.) Likewise, when implementing a slots theme, as proposed above, **Walker’s symbol interpretation zone 140 would explain combination of cherries, lemons, etc., if any, that correspond to the slots outcome in zone 130.** This would work just as one would expect it to because it merely requires replacing a video poker theme with a slots or spinning reels game, theme.

Emphasis added.

Applicants respectfully disagree that Walker’s outcome section 130 is equivalent to the claimed symbol display zone. Nor can it be said that Walker’s payout section 140 can be equated to the claimed symbol interpretation zone.

In contrast, with respect to Figure 2 of Walker, Walker’s outcome section 130 shows a straight 130e (of a Poker hand), and a three-of-a-kind 130g regardless of positions. As a result of having those hands, the payout zone 140 merely shows the prizes won. That is, the payout zone 140 performs as a payable. In the example given, the payout zone 140 indicates a win of a \$4 prize for the straight hand, and a win of a \$2 prize of the three-of-a-kind hand. The payout zone

140 does not indicate how any rule should be applied to interpret the symbols, but rather acts as a payable at best.

Further, there is no need for Walker to “interpret” anything, since there is no positional restriction in a Poker game. A player either wins or loses with a dealt hand, regardless of the positions of the cards, or regardless of what each of the cards means because each of the cards dealt, or the combination of cards dealt, has its respective rank in a Poker game.

This is different from the claimed invention in that different interpretation of the same symbol combination results in different outcome, as discussed above. A player does not know the outcome of the revealed symbol until the player interprets the symbols with the indicia and operators revealed.

That is, Walker does not render claims 1 and 18 obvious in that Walker does not disclose, or provides suggestion for, a symbol display zone and a symbol interpretation zone such that when a plurality of symbols in the symbol display zone are revealed, a game outcome is still unknown, and that indicia and operators in the symbol interpretation zone are used in interpreting the plurality of symbols to thereby determine the outcome.

Therefore, claims 1 and 18 are not obvious in view Walker, and are allowable.

Claims 2 – 5, 9, 10, 11, and claims 19 – 24 depend from claims 1 and 18, respectively, and thus are also not obvious in view of Walker for at least the same reasons set forth above as to the non-obviousness of claims 1 and 18.

Claims 6 – 8, 12 – 17, and 25 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of a combination of U.S. Patent No. 6,237,913 (Kamille), U.S. Patent 5,949,042 (Dietz), U.S. Publication No. 2003/0042317 (Behm), and U.S. Patent 5,934,671 (Harrison).

Claims 6 – 8, 12 – 17, and 25 – 30 depend from claims 1 or 18, and therefore are not obvious in view of Walker alone, as discussed above.

Kamille, Dietz, Behm, and Harrison do not cure the deficiencies of Walker in that none of them discloses a symbol display zone and a symbol interpretation zone such that when the plurality of symbols in the symbol display zone are revealed, a game outcome is still unknown, and that indicia and operators are used in interpreting the plurality of symbols thereby to determine the outcome.

Since Walker, Kamille, Dietz, Behm, and Harrison do not disclose a symbol display zone and a symbol interpretation zone such that when the plurality of symbols in the symbol display zone are revealed, a game outcome is still unknown, and that indicia and operators are used in interpreting the plurality of symbols thereby to determine the outcome, it cannot be said that Walker, Kamille, Dietz, Behm, and Harrison render claims 1 and 18 obvious.

Therefore, claims 6 – 8, 12 – 17, and 25 – 30, which depend from claims 1 and 18, as now amended, are also not obvious in view of Walker, Kamille, Dietz, Behm, and Harrison.

### **Conclusion**

Applicants respectfully submit that claims 1 – 30 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicants' Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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